



PUBLIC NOTICE

Federal Communications Commission
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DA 07-4589
Released: November 9, 2007

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF ALPHEUS COMMUNICATIONS, L.P. AND ALPHEUS DATA SERVICES, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-246

Comments Due: November 23, 2007
Reply Comments Due: November 30, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of Alpheus Communications, L.P. (Alpheus) and Alpheus Data Services, LLC (ADS) (collectively, Licensees), from El Paso Corporation (El Paso or Transferor) to Genesis Park GP Company, LLC (Genesis Park or Transferee) (collectively, Applicants).¹

Genesis Park, a limited liability company organized under Delaware law, is a private equity firm that does not provide telecommunications services. El Paso is a publicly-traded Delaware corporation that does not provide telecommunications services. Alpheus is a limited partnership organized under the laws of Delaware, and its wholly-owned subsidiary, ADS, is a limited liability company, also organized under Delaware law. Alpheus and ADS are non-dominant carriers providing telecommunications and data center services for enterprises and carriers throughout Texas. El Paso and Genesis Park jointly control Zipline, L.L.C. (Zipline), the general partner of Alpheus, with each owning 50% of Zipline. El Paso and Zipline have entered into an agreement whereby Zipline will distribute to El Paso its 50% interest in the common units in Alpheus owned by Zipline. Thereafter, Alpheus will redeem El Paso's common units in Alpheus. As a result, Genesis Park, as Zipline's only remaining equity holder, will become Zipline's sole owner. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Application Filed for the Transfer of Control of Alpheus Communications, L.P., and Alpheus Data Services, LLC, WC Docket No. 07-246 (filed Oct. 30, 2007).

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² 47 C.F.R. § 63.03(b)(2)(i).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before November 23, 2007**, and reply comments **on or before November 30, 2007**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form". A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, alexis.johns@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C.

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Alex Johns at 202 / 418-1167.

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